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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/127,167	07/29/1998	STEPHEN A. BURDEAU	TN112	9794

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BLUE BELL, PA 19424

EXAMINER

ZHEN, LI B

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

14

**Office Action Summary**

Application No.

09/127,167

Applicant(s)

BURDEAU, STEPHEN A.

Examiner

Li B. Zhen

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 5, 8, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,933,601 to Fanshier.

As to claim 1, Fanshier teaches (column 2, lines 26 – 36; column 2 line 65 – column 3, line 17; column 4, lines 39 – 52; column 15, lines 5 – 15) a clustered computing environment (distributed computing environment 10, known as a TOP END system, Fig. 1) comprising a plurality of nodes (TOP END system 10 is comprised of one or more nodes 12, Fig. 1), enabling a distributed network application (application components 20 are used to create and grow distributed TOP END systems, Fig. 1) that require centralized administration (coordinate processing among nodes 12) via a defined master node (the targeted systems 10, nodes 12, and/or components 20 of the

administrative request, Fig. 1), receiving an administrative request from the clustered computing environment at an originating node (SM API 34... communicates administrative requests and responses between nodes 12 and components 20, Fig. 2), determining whether the originating node is a designated master node for the distributed network application (Block 122 represents the ADMIN process 40 translating the command information into the appropriate message, locating the targeted systems 10, nodes 12, and/or components 20, Fig. 6), and routing the administrative request from the originating node to the designated master node (ADMIN process 40 is responsible for forwarding administrative requests to the desired TOP END nodes 12 and components 20, Fig. 2).

As to claim 5, this is an apparatus claim that corresponds to method claim 1; note the rejection of claim 1 above, which also meets this apparatus claim.

As to claim 8, see claim 1.

As to claim 9, Fanshier teaches (column 15, lines 9 – 15) determining if the originating node is the designated master node and capable of handling the request (Block 122 represents the ADMIN process 40 translating the command information into the appropriate message, locating the targeted systems 10, nodes 12, and/or components 20, Fig. 6).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 – 4, 6, 7, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fanshier in view of Bendert U.S. Patent No. 6,275,867.

As to claims 2, 3, 6, 7, 10, and 11, Fanshier (column 4, lines 39 – 45) the originating node sending a request to the master node and receiving a reply from the master node (communicating administrative requests and responses between nodes 12 and components 20 in TOP END systems 10, Fig. 1). Fanshier does not specify communications between the two nodes via a named pipe.

However, Bendert (column 2, lines 15 – 30) teaches facilitating communication in a distributed processing system through the use of named pipes.

It would have been obvious to apply the use of named pipes to facilitate communications between two nodes as taught by Bendert to the invention of Fanshier because named pipes can support more flexible communication and greater distance between nodes (column 2, lines 25 – 30 of Bendert).

As to claim 4, Fanshier teaches (column 3, lines 65 – 67) calling an administrative application programming interface (SM API) to initiate processing of the request (SM API 34 provides the functions necessary for the desired systems administration, Fig. 2).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,751,962 to Fanshier teaches systems management of computer networks.

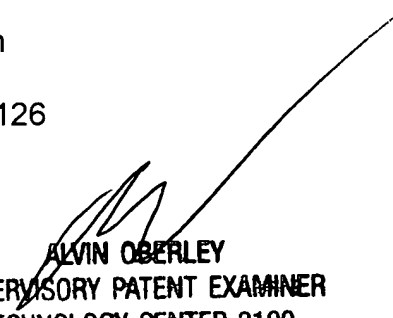
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (703) 305-3406. The examiner can normally be reached on Mon - Fri, 8am - 4:30pm.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Li B. Zhen  
Examiner  
Art Unit 2126

lbz  
December 19, 2002

  
ALVIN OBERLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100